

PROSKAUER ROSE LLP  
John P. Barry  
Alychia L. Buchan  
One Newark Center  
Newark, New Jersey 07102-5211  
Telephone: 973.274.3200  
Fax: 973.274.3299  
*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

-----X	
BYRON HUART and KEVIN HUART,	:
	:
<i>Plaintiffs,</i>	:
	:
v.	:
	:
	:
THE GREAT ATLANTIC & PACIFIC TEA	:
COMPANY, INC., A&P, TONY ALIBRONDO,	:
JOHN BINCELLETO, JOHN DOES 1-15	:
(fictitious entities), and XYZ CORPORATIONS	:
1-5 (fictitious entities),	:
	:
<i>Defendants.</i>	:
-----X	

**CIVIL ACTION NO.: 10-5437 (FSH)(PS)**

**PROPOSED FORM OF ORDER**

**THIS MATTER** having been opened to the Court upon the motion of defendant The Great Atlantic & Pacific Tea Company, Inc., and individual defendants John Bincoletto and Anthony Alibrando (collectively, the “Defendants”), to dismiss Counts I, II, III, IV and VI of Plaintiffs’ Amended Complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6), and the Court having considered the papers submitted, and any oral argument by the parties, and for good cause shown;

IT IS on this \_\_\_\_ day of December, 2010, hereby

**ORDERED** that Defendants' motion is hereby GRANTED, and that Counts I, II, III, IV and VI are dismissed with prejudice.

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Hon. Faith S. Hochberg, U.S.D.J.